

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 10-04749 (SMB)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

PHILIP F. PALMEDO,

Defendant.

**DECLARATION OF NICHOLAS J. CREMONA IN SUPPORT OF  
TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

I, Nicholas J. Cremona, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll*, and the chapter 7 estate of Bernard L. Madoff. I submit this Declaration in support of the Trustee's Motion for Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of the SEC Form BD for Bernard L. Madoff dated December 31, 1959 (PUBLIC0003607).
3. Attached hereto as Exhibit 2 is a true and correct copy of Amended Form BD for Bernard L. Madoff Investment Securities LLC dated January 12, 2001.
4. Attached hereto as Exhibit 3 are true and correct excerpts from the testimony of Frank DiPascali, Jr. during the multi-day criminal trial *United States v. Bonventre*, No. 10-CR-228 (LTS) (S.D.N.Y.), ECF Nos. 858, 862, 884.
5. Attached hereto as Exhibit 4 is a true and correct copy of an exemplar of JPMorgan Chase Bank, N.A. statements for account #xxxxx1703 and account #xxxxxxxxx1509.
6. Attached hereto as Exhibit 5 is a true and correct copy of the Plea Allocution of Bernard L. Madoff, *United States v. Madoff*, No. 09-CR-213 (DC) (S.D.N.Y. Mar. 12, 2009), ECF No. 57.
7. Attached hereto as Exhibit 6 is true and correct copy of the Plea Allocution of Frank DiPascali, Jr., *United States v. DiPascali*, No. 09-CR-764 (RJS) (S.D.N.Y. Aug. 11, 2009), ECF No. 12.
8. Attached hereto as Exhibit 7 is true and correct copy of the Plea Allocution of David L. Kugel, *United States v. Kugel*, No. 10- CR-228 (LTS) (S.D.N.Y. Nov. 21, 2011), ECF No. 188.
9. Attached hereto as Exhibit 8 is a true and correct copy of the Plea Allocution of Irwin Lipkin, *United States v. Irwin Lipkin*, No. 10-CR-228 (LTS) (S.D.N.Y. Nov. 8, 2012), ECF No. 288.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Plea Allocution of Eric S. Lipkin, *United States v. Eric S. Lipkin*, No. 10-CR-228 (LTS) (S.D.N.Y. June 6, 2011), ECF No. 148.

11. Attached hereto as Exhibit 10 is a true and correct copy of the Plea Allocution of Enrica Cotellessa-Pitz, *United States v. Cotellessa-Pitz*, No. 10-CR-228 (LTS) (S.D.N.Y. Dec. 19, 2011), ECF No. 1512.

12. Attached hereto as Exhibit 11 is a true and correct copy of Responses and Objections of Defendant Philip F. Palmedo to Trustee's First Set of Interrogatories, dated July 28, 2016, in *Picard v. Palmedo*, Adv. Pro. No. 10-04749 (Bankr. S.D.N.Y.).

13. Attached hereto as Exhibit 12 is a true and correct copy of the transcript of the June 21, 2017 deposition of defendant Philip F. Palmedo in *Picard v. Palmedo*, Adv. Pro. No. 10-04749 (Bankr. S.D.N.Y.).

14. Attached hereto as Exhibit 13 is a true and correct copy of the Tr. of Oral Arg. at 114:10–11, *Picard v. Marilyn Bernfeld Trust*, Adv. Pro. No. 10-05143 (SMB) (Bankr. S.D.N.Y. Oct. 28, 2015) and Tr. of Oral Argument at 100:19, *Picard v. Mendelow*, Adv. Pro. No. 10-04283 (SMB) (Bankr. S.D.N.Y. Oct. 28, 2015).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: August 28, 2020  
New York, New York

Respectfully submitted,  
BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona  
Nicholas J. Cremona